

## Case Management Standing Order for Courtroom 302

### 1. Setting of Dates Regarding Preliminary Hearing, Arraignment, Jury Trial Status, Jury Trial Conference, and Jury Trial Dates

A date to set a felony preliminary hearing will generally be initially set upon assignment of a case to Courtroom 302. The prosecutor and the attorney(s) of record must appear at that date and all subsequently set court dates, and participate in good faith. *The defendant must also appear in person at all set court dates* unless his or her appearance has been waived for good cause shown as evidenced by a written court order.

Litigants must be prepared to answer questions from the court concerning case status, discovery, pre-trial motions, negotiations, and setting of trial dates. Litigants must be aware of and abide by the Rules of the Illinois Supreme Court and the Local Rules of the 22<sup>nd</sup> Judicial Circuit.

**a) Sentence Return Dates Set in Courtroom 302:** Non-IDOC felony sentence return or release dates will normally be set for Courtroom 302. Any solely misdemeanor sentence return or release dates issued in Courtroom 302 will ordinarily be set on the sentencing jurisdiction's date in Courtroom 104, unless specially set by the court. Any solely petty offense sentence return or release dates issued in Courtroom 302 will be ordinarily be set on the sentencing jurisdiction's date in Courtroom 102, unless specially set by the court.

**b) Other Courtroom 302 Dates:** Bail hearings, initial date for Jury Trial Status, and emergency motions may be set on any court date. Dates for secondary Jury Trial Status, Jury Trial Conference, dates to set preliminary hearings, arraignments, payment status, release dates, and petitions to revoke may be set in the discretion of the court at any time, but shall normally *not* be set on Jury Trial Dates without court order. Jury Trial Status after the initial setting, Jury Trial Conference, and Jury Trial Dates shall generally be set in Courtroom 302 as follows:

**1) Jury Trial Status Call: Tuesday-Friday 9AM,** including dates to set preliminary hearings, presentment of initial motions, arraignments, negotiated pleas, felony release dates, requests for and status of examinations, discovery and subpoena returns, payment status, requests for interpreters, requests for SCR 402 conference, post-conviction petitions, and petitions to revoke, et. al.

**2) Jury Trial Conference Call: Thursday 10AM** on the Thursday immediately preceding the Jury Trial Date, if practicable, or otherwise as set by the Court.

**3) Jury Trial Call: Monday 9AM,** or otherwise as set by the court.

### 2. Contested Motions, Sentence Hearings, Bench Trials, and Motions for Interpreters:

All contested motions and motions for interpretation services shall be in writing, be filed at least 28 days prior to the Jury Trial Date, and be in compliance with Local Rule 10.15. Upon presentment of a contested motion, a briefing and hearing date may be set by the court. Upon acceptance of a jury waiver, a date for a bench trial shall be set by the court.

**a) Bench Trials, Sentence Hearings, and Contested Motion Hearings:** shall normally be set at 1:30 PM on Wednesday, Thursday and Friday afternoons, or at other times in the discretion of the court. .

**b) Motions and Orders for Interpreters:** Pursuant to Local Rule 10.14, it is the responsibility of any party requesting interpretation services to file a proper motion, obtain a court order, and **notify** Trial Court Administration of the order. It is also that party's



responsibility, in order to avoid needless expense, to give *additional notice of at least 48 hours* to Trial Court Administration if such services are *not* required.

### **3. Jury Trial and Jury Trial Conference Dates**

Generally, a case will not be set for jury trial until an offer to settle has been made and rejected. When a case is set for jury trial, the Court shall also assign a Jury Trial Conference Date at 10AM on the Thursday **immediately preceding the Jury Trial Date**. The court shall advise the Defendant of the Jury Trial and Jury Trial Conference Dates, and also advise Defendant of the consequences of non-appearance. The prosecutor, defense attorney(s) of record, *and the Defendant* must be present and ready to proceed on **Jury Status, Jury Trial Conference, Jury Trial, and all other regularly scheduled court dates** to avoid possible warrants, dismissal or contempt proceedings.

### **4. Procedure for Jury Trial Conference Dates**

The purpose of a Jury Trial Conference, pursuant to Local Court Rules 5.03 and 10.22, is to provide the court with a Trial Memorandum including a list of and schedule for potential witnesses, a statement of the case to be read to the jury, and to discuss issues including: any motions in limine; the method of jury selection; requests for and use of audio/visual or other equipment; potential stipulations; proposed jury instructions; potential time allocations; whether any offers or modified offers have been made to settle the case; whether they have been proposed to the Defendant; and the results of any settlement proposal. Cases set for Jury Conference Dates remain set for their respective Jury Trial Dates unless removed by final disposition or by written court order.

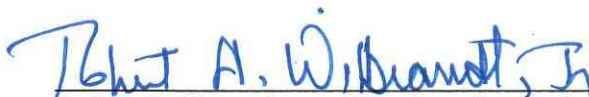
### **5. Procedure for Jury Trial Dates**

*In order to give due respect to the time and service of McHenry County Jurors, jury selection will commence as soon as practicable after 9AM on the Jury Trial Date* unless removed from the call by written court order for good cause shown. The court will specify procedural matters to the litigants prior to commencing trial, including confirming that an offer to settle has been made and rejected by the Defendant, and confirming the procedure and scheduling for selecting jurors from the venire. Courtroom 302 will generally use the jury selection method of questioning a panel of 14 jurors, unless otherwise specified by the court. Counsel unfamiliar with this procedure may request additional information from the court.

If more than one case is available to proceed to jury trial in Courtroom 302 on any given Jury Trial Date, the court will determine which case will immediately proceed and determine whether to: a) hold any remaining cases for trial, b) transfer any remaining cases to Court Administration for immediate reassignment, or c) reschedule any remaining cases for a new date.

The overall goals of these procedures are to provide all litigants with due process, to enhance the efficiency of jury proceedings, and to work together with counsel to obtain swift and just disposition of cases assigned to Courtroom 302.

Enter: February 5, 2019



Robert Wilbrandt, Jr., Circuit Judge, Criminal Division  
Presiding Judge, Courtroom 302